

YUMA COUNTY JUVENILE JUSTICE CENTER	Policy Number 10.4	Policies and Procedures Revised: 12/18/14
Subject: Prison Rape Elimination Act (PREA) Policy		Pages: 13 Implemented: 04/10

PURPOSE

The sexual misconduct of juveniles who are placed in our care, custody or control; or who are confined within the Yuma County Juvenile Detention Center (YCJJC), violates these juveniles' basic human rights, impedes the likelihood of their successful reentry into the community, and violates our obligation to provide them with safe and humane conditions. A core priority of YCJJC, as we provide for the care, custody, and/or control of juveniles, must be safety: which means protecting the safety of all - the public, the staff, and the juvenile population. In recognition of the need for this kind of priority throughout the United States, Congress formed the National Prison Rape Elimination Commission (NPREC), to develop national standards that help eliminate prison rape and other forms of sexual abuse in confinement.

The Prison Rape Elimination Act (PREA) of 2003 requires YCJJC to comply with the national standards. Fundamental to our success in this endeavor will be our commitment to a zero tolerance policy towards sexual abuse and sexual harassment.

POLICY

The Yuma County Juvenile Justice Center maintains a zero-tolerance policy towards sexual abuse and harassment (PREA Standard 115.311). Sexual abuse of minors is unacceptable under any circumstances, and is as dangerous a threat to institutional security as an escape or homicide would be. This PREA policy applies to all staff who work for the YCJJC, who are charged with providing services to juveniles who are in our care, custody or control, and who may come into close contact with them.

Working to support the Yuma County Juvenile Justice Center's policy related to zero-tolerance of sexual abuse and sexual harassment the Yuma County Juvenile Detention Center staff shall work to prevent, detect, and respond to any and all allegations of sexual misconduct (to include sexual abuse, sexual harassment, voyeurism, etc.).

ATTACHMENTS:

PREA Standards
Secure Facility Vulnerability Assessment
Facility Coordinated Response to a Sexual Abuse Incident

Intranet Access
Attachment 2
Attachment 3

DEFINITIONS

The following terms are consistent with those terms used by the NPREC in their PREA Standards. Understanding these terms will help us to maintain consistency with that agency for the purposes of reporting and data collection.

Ambery's Place: A victims' center with a crisis response team to assist victims of domestic violence, child abuse, adult sexual assault, and elder abuse.

Critical incident: An occurrence or event, natural or human-caused, which requires an immediate response to protect life, facility safety, or property.

Gender identity: A person's internal, deeply felt sense of being male or female, regardless of the person's sex at birth.

Gender nonconforming: A person whose gender identity and/or expression do not conform to gender stereotypes generally associated with his or her birth sex.

Intersex: A condition usually present at birth that involves reproductive, genetic, or sexual anatomy that does not seem to fit the typical definitions of female or male.

PREA coordinator: A senior-level agency-wide position, filled by the Deputy Director in Charge of Detention, that reports directly to the agency head. The PREA coordinator's responsibilities include developing, implementing, and overseeing the agency's plan to comply with the PREA standards. He or she is also responsible for ensuring the completion of assessment checklists.

Preponderance of the evidence standard: The standard of proof used in most civil cases that requires the party bearing the burden of proof to present evidence that is more credible and convincing than the evidence presented by the other party. This standard is satisfied if the evidence shows that it is more probable than not that an event occurred. Preponderance of the evidence is a lesser standard of proof than "beyond a reasonable doubt," which is required to convict in a criminal trial.

Sexual Misconduct: Encompasses the following prohibited behaviors: resident-on-resident sexual abuse, resident-on-resident sexual harassment, staff-on-resident sexual abuse, staff-on-resident sexual harassment and voyeurism.

Sexual abuse includes:

- Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - Contact between the mouth and the penis, vulva, or anus;
 - Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes:

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and;
- Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Staff: For the purpose of this policy staff will be defined as employees, contractors, volunteers, or any person providing a service to juveniles.

Transgender: A term describing persons whose gender identity and/or expression do not conform the gender roles assigned to them at birth.

Undue Familiarity: A term describing inappropriate actions between staff and juveniles such as flirting, making suggestive sexual remarks, off colored jokes, etc.

Victim advocate: An individual, who may or may not be affiliated with the agency, who provides forensic exam and investigatory process. These services may include emotional support, advocacy to ensure that victims' interests are represented, their wishes respected,

1. PLANNING

PREA Coordinator: The Deputy Director in charge of Detention Operations is designated as the PREA Coordinator. In this capacity, he/she will: YCJJC

- Develop and maintain written PREA related policies that follow the State of Arizona's Juvenile Detention Standards and meet the intent of the PREA Standards;
- Develop and implement a training plan that fulfills the PREA Training Standards;
- Monitor juvenile screening procedures, investigations, and medical and mental health Standards;
- Supervise the data collection efforts to ensure compliance with PREA Standards;
- Provide appropriate access and materials to auditors.

Detention: Detention Officers will provide the supervision necessary to ensure that the juveniles assigned to their care, custody or control, are protected from sexual misconduct. Detention Supervisors and DOHs will ensure that the Detention Center is properly manned and monitored, (i.e. that adequate staffing levels are maintained for each shift rotation, and that installed video surveillance equipment is functioning), so that the safety of the facility, and the safety of the juveniles confined therein, are maintained. Detention Supervisors and/or the Deputy Director shall conduct and document unannounced rounds, during all shifts, to identify and deter staff sexual misconduct. These rounds will include the laundry rooms, intake, recreation yards, storage rooms and cells. Staff is prohibited from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the detention center (PREA Standard 115.315)

AZTEC: The AZTEC principal will ensure that adequate staff coverage is maintained where, and whenever students gather together; that hidden or concealed locations are routinely monitored; and that student access to such areas is denied or restricted to those times when proper supervision is available. Aztec staff entering a detention pod housing juveniles of the opposite gender will announce their presence.

Probation: Probation and Surveillance officers will ensure that the juveniles assigned to their care custody or control are protected from sexual misconduct. Probation supervisors will ensure that staff are trained and follow all policies regarding transportation of youth in their care. Probation Staff will ensure that parents attending the Parent Orientation are informed of the means of reporting sexual misconduct, retaliation by other juveniles or staff for reporting sexual misconduct, and staff neglect or violation of responsibilities that may have contributed to an incident of sexual misconduct.

Probation staff entering a detention pod housing juveniles of the opposite gender will announce their presence.

Physical Searches: All searches will follow YCJJC policy and procedures (Policy 7.6- Detention; P01- Probation; Aztec Handbook). Strip searches will only be conducted on juveniles, by an officer/court employee of the same gender as the juvenile. Staff will not conduct cross-gender pat down searches.

Visual body cavity searches will only be conducted by medical personnel, when court ordered.

Accommodating juveniles with special needs: Instructions will be given both verbally and in writing, during the intake process, to all juveniles detained in the Yuma County Juvenile Detention Center, informing them about YCJJC's zero-tolerance policy regarding sexual misconduct, and about how to report incidents or suspicions of sexual misconduct, in an age-appropriate fashion.

This same instruction will be given to new AZTEC students during student orientation, (when they receive the school rules and a copy of the student handbook); and will be given to new probationers when they meet up with their assigned probation officer to go over their probation order. Juveniles who are Limited English Proficient (LEP), deaf, or disabled must receive these instructions in a manner which they can understand. Juveniles with special needs are encouraged to report sexual misconduct to staff directly, and an interpreter will be provided when needed. Interpretation services may be provided by a bilingual officer or staff member who speaks the same language as the juvenile, but shall not be provided by another juvenile. Further accommodation, if needed, will be arranged for by a Supervisor.

Supervisors should also consider the same issues with regard to communicating with the juvenile's families, bearing in mind that the families' language abilities may be different from those of the juvenile.

Hiring and promotion decisions: YCJJC hiring/promoting practices will be in compliance with National PREA Standards.

Assessment and use of monitoring technology: The YCJJC incorporates the use of video monitoring systems in both the detention center and Aztec High School to aid in its sexual abuse prevention, detection, and response efforts. YCJJC conducts an annual assessment, as part of its strategic planning initiative, outlining the feasibility of, and the need for, new or additional video monitoring technology throughout the Juvenile Justice Center; and develops a plan for securing such technology when needed.

Only juveniles who are at a high risk for self-harm or who are actively suicidal are to be assigned to 101 rooms with video monitoring. Juveniles will not be permitted to undress or change clothing in the intake room with video monitoring (juveniles may perform bodily functions in this room because the toilet is not video monitored).

Video recordings from 101 rooms and rooms with video monitoring shall only be reviewed by investigators, senior facility and agency administrators in conjunction with an authorized investigation or incident review. The viewing of the recording will be documented.

Evidence protocol and forensic medical exams: The police agency having jurisdiction over an alleged incident of sexual misconduct will be contacted for this purpose, whenever YCJJC receives information that a sexual assault has occurred, involving any juvenile in its care, custody, or control. The police agency having jurisdiction shall be asked to follow the requirements of Prison Rape Elimination Act (PREA Standard 115.371). YCJJC personnel will coordinate transportation of the victim to the Yuma Regional Medical Center (YRMC) or Amberly's Place for medical care, as needed; and a forensic examination will be available to the victim per the investigating agency's evidence gathering protocols, at no cost to the victim.

Agreements with outside public entities and community service providers: YCJJC will enter into memoranda of understanding (MOUs), with a local agency that serves victims who will be able to receive and immediately forward juvenile reports of sexual misconduct to the YCJJC Director. This will give juveniles the choice to speak to someone not affiliated with YCJJC if they feel more comfortable doing so. In addition, Juvenile Court will attempt to enter into MOUs with local law enforcement, and prosecuting agencies.

2. PREVENTION

A. TRAINING AND EDUCATION

Employee training: YCJJC trains applicable employees to be able to fulfill their responsibilities under YCJJC's sexual misconduct policies and procedures; the PREA standards; and under relevant Federal, State, and local law. YCJJC maintains certified instructors, per the direction of the Arizona Office of the Courts (AOC), and sends them to recertification training as required. These instructors provide the AOC's approved PREA training to: Detention, Detention Education, Probation, and AZTEC Staff. The AOC's approved PREA training provides employees with the knowledge and skills needed to:

- Prevent sexual misconduct from occurring,
- Identify signs that sexual misconduct may be occurring,
- Take the appropriate actions when they learn of recent or historical incidents of sexual misconduct,
- Communicate effectively and professionally with all juveniles,
- Understand a juvenile's right to be free from sexual misconduct,
- Understand the rights of juveniles and employees to be free from retaliation for reporting sexual misconduct,
- Understand the dynamics of sexual misconduct in confinement,
- Understand the common reactions of sexual misconduct victims.

Six hours of PREA training is conducted with newly hired employees during employee orientation; and one hour refresher training is provided to all employees, annually. YCJJC maintains written documentation, showing employee attendance.

Volunteer and contractor training: YCJJC ensures that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the YCJJC's sexual misconduct policies and procedures; the PREA standards; and relevant Federal, State, and local law. At a minimum, all volunteers and contractors who have contact with juveniles must be notified of YCJJC's zero-tolerance policy regarding sexual misconduct, and will be trained in how to report sexual misconduct (PREA Standard 115.332). Any contractor or volunteer who engages in sexual misconduct shall be reported to a law enforcement agency, unless the activity was clearly not criminal, and to relevant licensing bodies.

Obligation to Report

Juvenile Court

Employees, Detention staff, contract personnel and volunteers are required to:

- Immediately inform detention management should they have any reasonable suspicion a juvenile is has been a victim of abuse, sexual misconduct or any violation of PREA.
- Report or cause reports to be filed with law enforcement or Child Protective Services pursuant to A.R.S. § 13-3620

A failure of a Juvenile Court Employee, Detention staff, contract personnel and volunteers to report incidents of suspected abuse considered a violation of the Juvenile Court's obligation and duty in the care of juveniles may be considered a violation of PREA and/or criminal or civil law. Any person who is a Juvenile Court Employee,

Detention staff, contract personnel or volunteer who violates this policy or fails to report a suspected violation of PREA may be subjected to administrative action, up to and including termination of employment, civil damages and prosecution for a violation of Arizona Revised Statutes.

Upon receiving any allegation of sexual abuse or sexual harassment, a supervisor must immediately report the allegation to the PREA Coordinator, and the Director of YCJJC or designee. Staff wanting to make a report in private, may do so by emailing Yuma Juvenile PREA Reporting (PREA Standard 115.351)”

Juvenile education: Instructions will be given both verbally and in writing, during the intake process, to all juveniles detained in the Yuma County Juvenile Detention Center, informing them about YCJJC's zero-tolerance policy regarding sexual abuse, and about how to report incidents or suspicions of sexual abuse, in an age-appropriate fashion.

This same instruction will be given to new AZTEC students during student orientation, (when they receive the school rules and a copy of the student handbook); and will be given to new probationers when they meet with their assigned probation officer to go over their probation order. Juveniles who are Limited English Proficient (LEP), deaf, or disabled must receive these instructions in a manner which they can understand.

In addition, within 10 days of being booked into the Yuma County Juvenile Detention Center, detention staff will provide detained juveniles with comprehensive, age-appropriate education regarding (PREA Standard 115.333):

- Their right to be free from sexual misconduct,
- Their right to be free from retaliation for reporting misconduct,
- The dynamics of sexual misconduct in confinement,
- The common reactions of sexual abuse victims,
- YCJJC's sexual abuse response policies and procedures.

Specialized training: Medical and Mental Health staff will have been trained in how to detect and assess signs of sexual misconduct and that all practitioners are trained in how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to young victims of sexual abuse and how and to whom to report allegations of sexual abuse. YCJJC will have access to the documentation that medical and mental health practitioners have received this specialized training.

B. ASSESSMENT AND PLACEMENT OF JUVENILES WHEN DETAINED:

During intake, the detention staff will conduct a classification assessment of each juvenile being booked, utilizing the approved classification questionnaire. The following information will be obtained by interviewing the juvenile, and by reviewing JOLTS data, detention behavioral records, and other relevant documentation from the juvenile's files:

- The juvenile's age,
- The juvenile's physical size and stature,
- Current charges and offense history,
- Any physical disabilities the juvenile reports having,
- If the juvenile reports that there is anything regarding their own sexual orientation or gender identity that may pose a threat to their own personal safety and welfare,
- Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents.

YCJJC Detention Staff will use the information obtained during the intake process to classify all juveniles, and place them into an appropriate housing units and cells, with the goal of keeping all residents safe and free from sexual misconduct. Lesbian, gay, bisexual, transgender, or intersex residents shall not be placed in particular room or unit, or others assignments (i.e. education, work) solely on the basis of such identification or status, nor shall detention officers consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive (PREA Standard 115.342).

Housing and program assignments for transgender and intersex juveniles will be determined on a case by case basis and reassessed twice yearly, if needed. A transgender or intersex juvenile's own views with respect to his or her own safety shall be given serious consideration.

Detention Education will request educational records from each juvenile's school of record, including any psycho-educational evaluations done on the child. The following information, once obtained, will be passed to detention management for the purpose of making any accommodations necessary to ensure the safety of the child:

- The juvenile's level of emotional and cognitive development.
- Any mental illness or mental disabilities the juvenile may have.
- Any intellectual/developmental disabilities the juvenile may have.

Once a juvenile is assigned to a housing unit, if new information is received from Detention Medical, Detention Education, Juvenile Probation, the juvenile's family, counselors, or any other source, that suggests the juvenile's classification needs to be changed; then, a Detention Supervisor or DOI will review this new information and reclassify the juvenile as appropriate

3. DETECTION AND RESPONSE

A. REPORTING

Juvenile reporting: YCJJC provides a variety of simple, private, and secure means for juveniles to report (e.g., telling a trusted staff member, grievance form, medical staff, telling his/her attorney, calling Amberly's Place, etc.), sexual misconduct, retaliation by other juveniles or staff for reporting sexual misconduct, and staff neglect or violation of responsibilities that may have contributed to an incident of sexual misconduct. Such reports can be made either verbally or in writing, both formally and informally to internal staff i.e., Probation or Detention Officers, management or designated outside agency. YCJJC staff accepts reports that are made anonymously and from third parties, and will immediately put into writing any verbal reports received. YCJJC Staff shall not rely on juvenile interpreters, juvenile readers, or other types of juvenile assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the juvenile's safety, the performance of first-response duties, or the investigation of the juvenile's allegations. If no staff member is available to interpret the Language Line Service may be used by calling 1-866-874-3972 (PREA Standard 115.316).

Third-party reporting: YCJJC investigates all third-party reports of sexual misconduct and refers them to the local law enforcement agency so that they can launch an investigation of their own. Third parties wanting to make a report may do so by emailing Deputy Director Jolene Hefner at jhefner@courts.az.gov (PREA Standard 115.354).

Juvenile's access to outside support services and legal representation: Counselors and mental health

professionals are available to juveniles through YCJJC's Probation Department. When a juvenile is detained, services can still be provided by contacting a Detention Supervisor who will contact the Probation Department to arrange services for the youth.

OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

Staff and facility head reporting duties: Upon receiving any allegation of sexual misconduct, a supervisor must immediately report the allegation to the PREA Coordinator, and the Director of YCJJC or designee. Staff wanting to make a report in private, may do so by emailing [Yuma Juvenile PREA Reporting@courts.az.gov](mailto:Yuma_Juvenile_PREA_Reporting@courts.az.gov) (PREA Standard 115.351).

The Director of YCJJC will inform the presiding juvenile judge, the victim's parents or legal guardians, local law enforcement and assign an internal investigator. Refer to the attached Facility Coordinated Response to a Sexual Abuse Incident (Attachment 3).

Upon receiving an allegation that a resident was sexually abused or sexually harassed while confined at another facility staff members shall report the allegation to the PREA Coordinator who in turn with notify the Director. The Director of YCJJC shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The agency shall document that it has provided such notification (PREA Standard 115.363).

Staff first responder duties: Upon learning that a juvenile was sexually abused within a time period that still allows for the collection of physical evidence, (i.e. within the first 96 hours after the abuse allegedly occurred), the first YCJJC staff member to respond to the report is required to:

- Assess victim's needs for immediate care for potentially life-threatening or serious injuries. Administer necessary first aid and request or obtain emergency medical assistance according to YCJJC policy.
- Address the safety needs of the victim and others at the scene (e.g., the offender(s) may be present). This may include calling for assistance or backup if needed.
- Ensure that the victim is kept separate from the alleged abuser.
- Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence
- Report the incident to a supervisor immediately.
- Document victims' demeanor and statements related to the assault.
- The supervisor will assess the situation, ensure that the scene is secure, and notify medical and law enforcement personnel as appropriate.
- Notify the PREA Coordinator and YCJJC Director, who will in turn ensure that an investigation is begun.
- Inform the victim not to take any actions that could destroy physical evidence before an investigator arrives on scene; (e.g., tell them not to wash, change clothes, urinate, defecate, smoke, drink, eat, brush hair or teeth, or rinse mouth).

- If the incident occurred in the detention center, notify a detention officer immediately.
- The supervisor will call for a victim's advocate i.e. Amberly's Place, and encourage the victim's interaction with the advocate as soon as possible after disclosure of the assault, even if the victim chooses not to receive medical care and/or have the medical forensic exam.
- The supervisor will coordinate with the investigating agency, as needed, for the transportation of the victim to the exam site.
- Detention Medical and the YCJJC Counselor may assist the supervisor, as needed, with the coordination of necessary services.

To ensure the best treatment for victims and the greatest likelihood of holding perpetrators accountable, a number of actions should be coordinated with outside agencies including:

- Assessing the victim's acute medical needs to determine if he or she needs to be stabilized and/or treated for injuries, conditions, or potential risks; treated for injuries, conditions, or potential risks;
- Informing the victim of his or her rights under relevant Federal and/or State crime victims' rights laws;
- Giving the victim the option of undergoing a forensic medical exam for the purpose of collecting and documenting physical evidence of abuse;
- Having a victim advocate available to the resident victim during the forensic medical exam;
- Providing crisis intervention counseling for the victim before and after the forensic medical exam;
- Interviewing victims and witnesses;
- Collecting evidence;
- Providing for any special needs a victim might have.

Protection against retaliation: YCJJC has safeguards to prevent retaliation by other juveniles or staff. These safeguards include:

- Arranging housing changes for detained juveniles;
- Removal of alleged staff or resident abusers from contact with victims;
- Providing emotional support services for juveniles or staff who fear retaliation for reporting sexual misconduct or cooperating with investigations.

YCJJC will monitor the conduct and/or treatment of juveniles or staff members who have reported sexual misconduct or juveniles who were reported to have suffered sexual misconduct, or of staff or juveniles cooperating with investigations, including any detention disciplinary reports or probation violations, or negative performance reviews or reassignment of staff or program changes, for at least 90 days following, unless the initial monitoring indicates the continuing need. YCJJC will act promptly to remedy any such retaliation. Human Resources Department will be responsible for monitoring staff for possible retaliation and YCJJC Counselor will be responsible for monitoring juveniles for possible retaliation.

B. INVESTIGATIONS

The Yuma Police Department will be contacted for potential criminal allegations of sexual misconduct. The Yuma Police Dept. will be responsible for the criminal investigation and the *Internal Investigation* will be the responsibility of the Yuma County Juvenile Court (PREA Standard 115.322).

Any investigation will follow the Yuma County Juvenile Court *Internal Investigation* policy. Any disciplinary action taken on employees will be conducted according to the Yuma County Superior Court Judicial Merit Rules. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual misconduct. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with (1) the nature and circumstances of the acts committed, (2) the staff member's disciplinary history, and (3) the sanctions imposed for comparable offenses by other staff with similar histories. YCJJC staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Volunteers and Contractors will be subject to cancellation of contracts and volunteer status. Violations of policy that may result in disciplinary action include:

1. Engaging in actual or attempted misconduct;
2. Failing to report an incident of sexual misconduct;
3. Failing to limit information received about an allegation to those who need to know;
4. Failing to cooperate with a sexual misconduct investigation;
5. Engaging in retaliation against residents or staff who report misconduct (PREA Standard 115.367);
6. Failing to follow any other agency policy regarding sexual misconduct in which staff was trained;
7. Undue familiarity.
8. Revealing any information related to a sexual misconduct report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

Interventions for residents who engage in sexual misconduct: Any time a juvenile engages in sexual misconduct law enforcement will be contacted. Other types of interventions may be coordinated, such as: specialized treatment, counseling, educational programs, disciplinary sanctions. A mental health evaluation will be attempted of all known resident on resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners (PREA Standard 115.383). This type of intervention should be made with the goal of promoting improved behavior by the resident, and ensuring the safety of other residents and staff.

Post Investigation Notification

Following an investigation of alleged sexual misconduct suffered at the YCJJC, the juvenile shall be informed as to whether the allegation was determined to be substantiated, unsubstantiated, or unfounded. If the YCJJC did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the juvenile.

Following a juvenile's allegation that a staff member has committed sexual misconduct against the juvenile, YCJJC shall subsequently inform the resident (unless the allegation has been determined unfounded) whenever:

- The staff member is no longer posted within the resident's unit;
- The staff member is no longer employed at the facility;
- YCJJC that the staff member has been indicted on a charge related to sexual misconduct within the facility;
- YCJJC learns that the staff member has been convicted on a charge related to sexual misconduct within the facility.

Following a resident's allegation that he or she has been sexually abused by another resident, the agency shall subsequently inform the alleged victim whenever:

- YCJJC learns that the alleged abuser has been indicted on a charge related to sexual misconduct within the facility;
- YCJJC learns that the alleged abuser has been convicted on a charge related to sexual misconduct within the facility.
- All such notifications or attempted notifications shall be documented.
- YCJJS's obligation to report under this standard shall terminate if the juvenile is released from our custody. (PREA Standard 115.373)

E. MEDICAL AND MENTAL HEALTH CARE

Medical and mental health intake screenings: Upon admission, the medical department will conduct an initial screening of each juvenile, and will pass on to detention management any concerns that they have for the juvenile's safety, arising out of an apparent increased potential for victimization, due to the following issues:

- Any prior sexual victimization or abusiveness,
- Any physical disabilities the juvenile may have,

If a resident discloses an incident of sexual misconduct that occurred within a time period in which physical evidence may still be collected, (i.e. within the first 96 hours after the misconduct allegedly occurred), the medical practitioner is required to provide access to emergency medical treatment and crisis intervention services. The medical practitioner will contact detention management who will in turn notify Yuma Police Department (YPD), and coordinate transportation of the juvenile to the local hospital, Yuma Regional Medical Center (YRMC), or Amberly's Place.

- If the screening indicates that a juvenile has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, medical staff shall ensure that the juvenile is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
- If the screening indicates that a juvenile has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening
- If the screening indicates medical staff will offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

Access to emergency medical and mental health services: The YCJJC staff member who receives the report will take preliminary steps to protect the victim, and will immediately notify a supervisor, who will arrange for appropriate medical and/or mental health services. Such services may include, but are not limited to:

- Assessing, treating and documenting the victim's acute medical and mental health needs as soon as possible;

- Providing support and crisis intervention services;
- The evaluation and treatment of such victims shall include, as appropriate, follow up services, treatment plans, and, when necessary, referrals for continued care following their transfer to , or placement in, other facilities, or their release from custody.
- Arranging access to a forensic medical exam; and, if the victim agrees to an exam, ensuring that the investigating agency's protocols are followed whenever there may be physical evidence of sexual misconduct.

Emotional Support Services: Victims in need of ongoing medical or mental health care treatment services are provided care without financial cost and whether the victim names the abuser or cooperates with any investigation arising from an incident. Juveniles should be made aware that progress notes from support services will be obtained by the assigned probation officer and informed that court staff are mandatory reports under Arizona Law. Juveniles will have reasonable communication between them and these organizations, in as confidential a manner as possible (i.e. private visitation and private phone communication).

4. MONITORING

A. DATA COLLECTION AND REVIEW

Sexual misconduct incident reviews: A review team to include, the Director of Juvenile Court, Deputy Directors, PREA Coordinator, medical and mental health practitioners, and designated supervisors (PREA Standard 115.386). The review team will evaluate each incident of sexual misconduct to identify any policy, training, or other issues related to the incident that indicate a need to change policy and procedures, to better prevent, detect, and/or respond to incidents of sexual misconduct. Comprehensive sexual misconduct incident reviews should include the following:

- A review of any Secure Facility Vulnerability Assessments (**see Attachment 2**) that were made;
- An analysis of any security failures that may have contributed to the incident;
- An examination of the timeliness and quality of the response;
- The various interventions provided to the victim and/or perpetrator, including medical and mental health care;
- The quality of the administrative investigation;
- An examination of whether the victim or witnesses faced any obstacles to prompt and safe reporting of the incident;
- A review of the perpetrator's and victim's files to determine whether changes to the facility's process for screening residents for risk of sexual victimization or abusiveness may be appropriate.

Data collection and review

The PREA Coordinator will collect all of the information necessary to ensure that information is collected for every reported incident of sexual misconduct. The PREA Coordinator will ensure that this information is aggregated on an annual basis. Using these data, YCJJC will further review and identify additional problem areas and take corrective action on an ongoing basis; and prepare an annual report of its findings and corrective actions. The report shall include:

- A comparison of the current year's data and corrective actions with those from prior years and

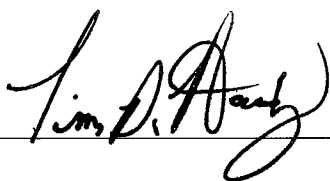
shall provide an assessment of YCJJC's progress in addressing sexual misconduct.

- The report shall be approved by the Director and made readily available to the public through our website.
- The PREA Coordinator will redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.
(PREA Standard 115.388 & 115.389)

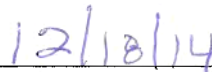
Data storage and destruction

All records associated with claims of sexual assault, including incident reports, investigative reports, juvenile information, medical reports and case disposition shall be maintained for 10 years in a confidential manner and retained in accordance with Arizona state record retention schedule.

Approved

A handwritten signature in black ink, appearing to read "Tim D. Hardy", is written over a horizontal line.

Tim D. Hardy

A handwritten date "12/18/14" in blue ink is written over a horizontal line.

Date

Secure Facility Vulnerability Assessment

Annual Assessment: _____ Review for Deficiency Correction: _____

Facility Inspected: _____

Area Inspected: _____

Completed by: _____ Date: _____

A	Lighting and Cameras	Yes	No	N/A	Action Plan
1.	Is lighting in unit adequate and functioning?				
2.	Are exterior lights adequate and functioning?				
3.	Are there dark areas not reached by lighting?				
4.	Are security cameras adequate and functioning?				
5.	Are there any blind spots in camera range?				
6.	Are critical lighting areas on generator back-up?				
	Blind Spots/Areas Not Visible to Employees				
1.	Are there blind spots in hallways?				
2.	Are there blind spots in juvenile rooms?				
3.	Are there blind spots outside the unit?				
	Common Areas on Campus				
1.	Is lighting on campus adequate and functioning?				
2.	Are there dark areas not reached by lighting?				
3.	Are security cameras adequate and functioning?				
4.	Are there blind spots in camera range?				
5.	Are there campus areas that have blind spots?				
	D. Radio Communication				
1.	Are there dead zones in radio communication?				
2.	Are all radios in working condition?				
3.	Is everyone equipped with a radio?				

Enclosure (1)

	Classrooms				
1.	Are there blind spots in classrooms?				
2.	Are all class movements monitored?				
3.	Are locked supply cabinets provided?				
F.	Office Areas				
1.	Do all offices have windows?				
2.	Are there blind spots in the offices?				
3.	Is lighting adequate and functioning?				
G.	Bathroom Areas				
1.	Are toilet/shower areas multi-use?				
2.	Do toilet/shower areas allow direct supervision?				
3.	Is ingress/egress to toilet/shower area controlled?				
H.	Visitation Areas				
1.	Are ingress/egress controlled in visitation areas?				
2.	Are there separate restrooms for juveniles and visitors?				
3.	Are there visual obstructions or blind spots?				
4.	Is there video monitoring of visitation areas?				
I.	Supervision of Juveniles				
1.	Is there continual visual supervision of all juveniles?				
2.	Do employees conduct face to name counts?				
3.	Is Central Control notified of all juvenile movement?				
4.	Do employees continually patrol their assigned areas?				

If this is an initial or annual assessment, date follow-up assessment will be conducted, if needed:

Date: _____ Who will conduct the follow-up assessment? _____

Enclosure (1)

Facility Coordinated Response to a Sexual Abuse Incident

The following is the agency written plan for each facility coordinate actions taken in response to an incident of sexual assault among staff responders, medical, and mental health practitioner, investigators, PREA Coordinator and facility leadership.

Staff	Task
1 st Responder	Separate the alleged victim and abuser.
1 st Responder	Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
1 st Responder	Request that the alleged victim not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating. Note: If the 1 st Responder is a non-direct care staff member, he or she is required to instruct the victim not to take any actions that could destroy physical evidence and then immediately notify direct care staff.
1 st Responder	Immediately contact the Detention Supervisor on duty.
Detention Officer in Charge	Immediately contact Medical Staff, Facility Leadership, Yuma Police Dept., Amberly's Place and Mental Health Staff.
Medical Staff and/or Detention Officer in Charge	Assessment of the victim's acute medical needs and notify the Facility Director of the allegation of sexual assault and assessment.
LE Investigator	Informing the victim of his or her rights under relevant policies, federal and state laws. Handle the custody of evidence. Coordinate victim transport to Amberly's Place.
Amberly's Place Staff and/or LE Investigator	Explanation of the need for a forensic medical exam and offering the victim the option of undergoing one.
Amberly's Place Staff and/or LE Investigator	Offering the presence of a victim advocate or a staff member to be present during the exam (Mental Health Staff or Staff member that the youth trust).
Amberly's Place Staff	Providing crisis intervention counseling and victim advocate when requested.
Amberly's Place Staff and/or LE Investigator	If victim request an advocate, Amberly's Place will provide the victim advocate according to the MOU establish by the Facility and Amberly's Place.
LE Investigator / Facility Investigator	Interview the victim and any witnesses. Facility Investigator will view the victim interview via video/audio monitor available at Amberly's Place.
Amberly's Place Staff and/or LE Investigator	Collect Evidence and control custody of evidence.
Facility Leadership	Provide for any special needs the victim may have. Coordinate ongoing care with Facility Mental Health Staff.
Facility Mental Health Staff	Will provide for any ongoing needs, to include monitoring for retaliation.
1 st Responder	Completed the I Incident Report (IR).
Facility Leadership	Ensure Incident Report (IR) is completed within 24 hours of the incident occurring or within 24 hours of first knowledge of the incident.
Facility Leadership	Convene the PREA Incident Management Team as required by Policy 22.1, Prison Rape Elimination Act (PREA).
PREA Coordinator	Within ten (10) business days provide a detail report to the Agency PREA Coordinator